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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,506	03/28/2001	Dennis Sunga Fernandez	FERN-P001D	8534

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EXAMINER	
VO, TUNG T	
ART UNIT	**PAPER NUMBER**
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/823,506	FERNANDEZ ET AL.	
	Examiner	Art Unit	
	Tung Vo	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-37* is/are pending in the application.

4a) Of the above claim(s) *1-19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 20-29, and 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moengen (US 6,373,508).

Re claims 20-21, and 31-34, Moengen teaches integrated animal surveillance system (figs. 1-2, 5, and 8) using fixed (K1-K3 of fig. 8) and mobile processor communication (N and T of fig. 2), the system comprising: a processor (P of fig. 2, Note the producer or user would access to a processing unit to retrieve a captured video image of a camera K of fig. 2) coupled to a packet-switched digital network (H1 and H2 of fig. 2), the processor (P of fig. 2, Note the producer would obviously access to the processing unit for retrieving the video data that is captured by the camera K of fig. 2) accessing a database (a database would obviously considered as attributes for size, shape, and color of a natural object generated by a video generator provided in the manipulator module; the natural object is animal, athlete, competitor; col. 16, lines 25-29) including a representation of an identity and a location of at least one remote animal (col. 7, lines 30-47); a mobile communications unit (T of fig. 3, Note the natural object may be equipped with a GPS (Global Positioning System) receiver for determination of the position, this being remotely read at the production location) physically

associated with a remote animal for monitoring a sensed condition or location according to a GPS device of such remote animal (col. 16, lines 11-29), the mobile communications unit communicating wirelessly (fig. 5) with the processor through the digital network (fig. 5); and a first detector (D1 and K1 of fig. 8) coupled to the digital network (H1 and H2 of fig. 2) and selected by the processor (P of fig. 1, Note the production unit automatically selects the camera K for viewing when the animal is triggered the detectors D of fig. 2) for observing the remote animal automatically via real-time video (Note the camera K captures image in real time) or infra-red imaging when such remote animal is determined by the processor to be located within a first observation range of the selected first detector (D1, D2, and K1 of fig. 1), such first detector being coupled to an animal movement module or software (D1 and D2, and Q of fig. 2) for automatically enabling hand-off effectively of the observation to another detector (D3, K3 of fig. 2) in a neighboring or next-closest detector or site for observing the remote animal movement (N1 of fig. 8) when such observation is triggered or activated by such animal movement (col. 6, lines 52-col. 7, line 18); a second detector (K5 of fig. 8, Note the natural object is moving toward the finish line) coupled to the digital network (D8 of fig. 8) and selected by the processor for observing the remote animal when such remote animal is determined by the processor to have moved and subsequently located within a second observation range of the selected second detector (N1(x', y', z', t') of fig. 8).

Re claim 22, Moengen further discloses a position signal (N1 (x, y, z, t) of fig. 8) being generated by the mobile communications unit (GPS device generates the position of the natural object) coupled to the remote animal (N1 and N2 of fig. 8) when such remote animal is moveable within an observable range (N1 is moving from one position (N1(x', y', z', t')) to another

position (N1 (x, y, z, t)) within the observation range), an observation signal being generated by the first detector uncoupled to such remote animal in the observable range (K5, K3 of fig. 8).

Re claim 23, Moengen further teaches the mobile communications unit comprises an accelerometer (col. 12, lines 32-41).

Re claim 24, Moengen further teaches software agent (GPS device would obviously have software to determine the location of the animal) associated with such remote animal accesses a database (GPS database).

Re claim 25, Moengen further teaches a portable identifier (GPS receiver is a portable device equipped to the natural object for identify the location of the natural object, col. 16, lines 11-27) associated with such remote animal is used for communication therewith.

Re claim 26, Moengen further teaches an object representation of such remote animal comprises an object name, an object identifier, an object group, an object query, an object condition, an object status, an object location, an object time, an object error, or an object image, video, or audio broadcast signal (col. 7, lines 47-58).

Re claim 27, Moengen further teaches the observable range is modifiable according to a rule set (col. 13, lines 30-42).

Re claim 28, Moengen further teaches the remote animal is monitored temporarily using an extrapolated or last-stored positional or visual signal (col. 7, line 59-col.8, line 6).

Re claim 29, Moengen further teaches the remote animal is authenticated according to a voice pattern or a magnetic or smart- card signal (8 of fig. 6, electromagnetic).

Re claims 35-37, Moengen further teaches the processor (P and Q of fig. 2) confirms the remote animal identity by processing a visual image of the remote animal using adaptive or neural learning software to recognize such animal automatically (col. 7, line 30-col. 8, line 6).

3. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moengen (US 6,373,508) in view of Horton et al. (US 5,615,123).

Re claim 30, Moengen teaches the surveillance camera system for detecting the animal based on the location and suggests that it is possible to create a real time reproduction (electronic file). However, Moengen does not particularly teach an electronic file comprising a recorded or live voice or music transmission is provided to the remote animal (natural object) as claimed.

Horton teaches a orientation tracking system for enabling an audio/visual message to be delivered electronically to the remote prisoner (animal) (col. 2, lines 52-67), wherein an electronic file comprising a recorded or live voice or music transmission is provided to the remote natural object (col. 2, lines 59-62; e.g., video, audio, tactile, and/or olfactory information is transmitted to the user) and suggests that the guidance system for human tracking (natural object) may be used.

Therefore, taking the teachings of Moengen and Horton as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Horton into the system of Moengen in order to transmit the audio or visual messages to the animal or user. Doing so would allow the surveillance system that is highly accurate over a long period of time and operates at a high update rate in order to provide a realistic virtual reality simulation.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dowd (US 6,700,494) discloses equine tracking.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tung Vo
Primary Examiner
Art Unit 2621